

# Judicial Council of California • Administrative Office of the Courts

455 Golden Gate Avenue • San Francisco, California 94102-3688

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## INVITATION TO COMMENT

**SP10-04**

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Title	Action Requested
Judicial Administration: Membership of the Criminal Law Advisory Committee	Review and submit comments by October 16, 2010
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rule 10.42	January 1, 2011
Proposed by	Contact
Criminal Law Advisory Committee	Arturo Castro, <a href="mailto:arturo.castro@jud.ca.gov">arturo.castro@jud.ca.gov</a> ,
Hon. Steven Z. Perren	415-865-7702

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### Summary

The proposed amendment to rule 10.42 would add a probation officer membership category to the Criminal Law Advisory Committee.

### Discussion

Rule 10.42(b) of the California Rules of Court prescribes the following membership categories for the Criminal Law Advisory Committee: appellate court justice, trial court judicial officer, judicial administrator, prosecutor, and criminal defense lawyer. The proposed amendment would add a new probation officer membership category.

The Criminal Law Advisory Committee is charged with making recommendations to the Judicial Council “for improving the administration of justice in criminal proceedings.” (Cal. Rules of Court, rule 10.42(a).) The committee often makes recommendations that involve probation practices, yet the committee lacks a member with probation expertise. Although the current rule does not expressly prohibit the appointment of a probation officer member, adding a probation officer membership category would ensure that the committee’s recommendations permanently include this vital criminal justice system perspective.

In addition, recently enacted legislation—Senate Bill 678 (Leno; Stats. 2009, ch. 608)—requires the Judicial Council to “consider the adoption of appropriate modifications to the Criminal Rules of Court, and of other judicial branch policies, procedures, and programs, affecting felony probation services that would support implementation of the evidence-based probation supervision practices described in this [bill].” As such, a probation officer member is necessary

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for the committee to make appropriate recommendations to the Judicial Council to fulfill this new legislative mandate.

Although this proposal may increase the size of the committee by one member<sup>1</sup>, the cost increase would be minimal because the committee conducts no more than one in-person meeting per term. To minimize travel expenses, all other meetings are conducted via teleconference or video-conference from San Francisco, Sacramento, and Burbank.

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<sup>1</sup> The committee currently has 17 members. Under rule 10.31(a), each advisory committee must consist of between 12 and 18 members unless a different number is specified by the Chief Justice or required by rule of court.

Rule 10.42 of the California Rules of Court would be amended, effective January 1, 2011, to read:

**Rule 10.42 Criminal Law Advisory Committee**

**(a) \*\*\*\***

**(b) Membership**

The committee must include at least one member from each of the following categories:

- (1) Appellate court justice;
- (2) Trial court judicial officer;
- (3) Judicial administrator;
- (4) Prosecutor; ~~and~~
- (5) Criminal defense lawyer; and
- (6) Probation officer.

## **Item SP10-04 Response Form**

**Title:** Judicial Administration: Membership of the Criminal Law Advisory Committee (amend Cal. Rules of Court, rule 10.42)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: \_\_\_\_\_

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**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

☐ **Commenting on behalf of an organization**

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

### **To Submit Comments**

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

**Internet:** <http://www.courtinfo.ca.gov/invitationstocomment/>

**Email:** [invitations@jud.ca.gov](mailto:invitations@jud.ca.gov)

**Mail:** Ms. Camilla Kieliger  
Judicial Council, 455 Golden Gate Avenue  
San Francisco, CA 94102

**Fax:** (415) 865-7664, Attn: Camilla Kieliger

<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Saturday, October 16, 2010
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